

Cal/EPA EJ Action Plan Precautionary Approach Efforts Update September 2005

As discussed in the Cal/EPA Action Plan, the California Integrated Waste Management Board in its role as lead agency will head the development of guidance on precautionary approaches and recommend implementation options, including proposals for policy, regulatory and statutory changes. In order to achieve this goal, the following objectives must be completed:

- Adopt a working definition
- Inventory where/how precautionary approaches are used in environmental programs
- Evaluate whether additional precaution is needed
- Identify reasonable, cost effective approaches that could be used to prevent or minimize adverse environmental impacts

This summary will discuss progress made, provide a current status report, and identify anticipated delays which may prevent meeting original timeframes.

The Interagency Working Group adopted a working definition for the precautionary approach on February 16, 2005. Since the adoption of definition, staff has moved forward with the next objective of inventorying precautionary approaches and identifying any obstacles that may limit their implementation. We created a precautionary approach inventory working group consisting of representatives from each BDO. With the assistance of literature suggested by the Cal/EPA Environmental Justice Advisory Committee (CEJAC), the working group developed a framework to assist in the inventory process. The framework consisted of a matrix which included categories of precautionary methods. The categories included, but not limited to examples of precaution such as product labeling, right to know, and economic incentives. The purpose of the matrix was to create a consistent structure, organize thoughts and to assist BDO staff with the development of their inventory. Staff anticipates that the inventory should be completed by early October 2005.

Meanwhile, staff has continued to accumulate information throughout the process. We have researched programs, policies, articles, and literature that can provide insight into incorporating and implementing the precautionary approach. The research will provide a means to identify barriers, examples, contacts and possibly, solutions to obstacles that may arise.

Also, we will be working with the Local Advisory Group (LAG) and Technical Advisory Group (TAG) on the pilot projects by attending meetings and providing input on the project. This should expose us to both the technical and local concerns surrounding the implementation of precaution in the pilot projects. In turn, this exposure will provide us with some insight for the development of recommendations and identification of policy gaps as they relate to the precautionary approach. In addition, we plan to discuss the precautionary approach at a LAG meeting in a discussion/work group format. Our intentions are to receive feedback from the group concerning the use and methods of precaution employed in the projects.

We anticipate delays in the original timeframes. As indicated earlier, staff plans to utilize the pilot projects as a tool to help with the implementation of precaution. Given that some of the pilot projects have been delayed and LAG meetings postponed, we anticipate that this will also impact our timeframes. Keeping in mind that this process entails soliciting information from numerous individuals, we experienced delays resulting from scheduling conflicts and availability.

We are also planning to establish an open workgroup including government, academic, community, and industry representation to provide a forum for exploring and assessing precautionary approaches. Establishment of the workgroup is expected October/November 2005. Participation would be open and meetings would be scheduled at regular intervals.